

ATTACHMENT 4

Thursday, February 11, 2016

The following action minutes are listed as they were acted upon by the Planning Commission and as listed on the agenda for the Regular Meeting of 9:00 AM, together with the maps and staff reports attached thereto and incorporated therein by reference.

Hearings are advertised for 9:00 a.m. Hearings generally proceed in the order listed, unless changed by the Planning Commission at the meeting.

ROLL CALL:

PRESENT: Jim Irving; Kenneth Topping; Eric Meyer; James Harrison; and Don Campbell

ABSENT: None

9. Hearing to consider a request by GREG BONE for a Conditional Use Permit to authorize a 94 square foot (sf) public tasting room (for olive oil tasting), a 998 sf restaurant (limited food service facility), and a 30 sf permanent farm stand, to be located within an existing 3,445 sf permitted olive processing building. The applicant is also requesting to allow the processing of olives not grown on-site, the processing of olives into table olives for sale onsite, and the construction of a 45 sf detached restroom. The applicant is requesting the following:
- a. modification of ordinance Section 22.30.570 limiting a restaurant to 800 sf to allow 998 sf;
 - b. modification of ordinance Section 22.30.020.D to allow the restaurant to operate beyond the tasting room hours, to 6 pm four days a week and to 9 pm two days per week;
 - c. modification of ordinance Section 22.30.070.D.4.c.1 Olive Oil Production that requires all structures and outdoor use areas to be located no closer than 200 feet from each property line to allow a 96 ft setback from outdoor use area to the property line (north west) and that requires all structures to be located no closer than 500 feet to any existing residence to allow a 380 ft setback to an existing residence (to the north);
 - d. modification of ordinance Section 22.30.075 Ag Retail Sales that requires all structures to be located no closer than 400 feet to any existing residence to allow a 380 ft setback to an existing residence (to the north).
- The project could result in approximately 5,340 sf of site disturbance for access improvements. The applicant is not proposing any Temporary Events. The project is located within the Agriculture land use category and is located on the south side of Kiler Canyon Road, approximately 1.35 miles west of the City of Paso Robles (at 1111 Kiler Canyon Road), in the North County planning area, Salinas River sub area. Also to be considered is the approval of the Mitigated Negative Declaration.

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County File Number: DRC2013-00096 Assessor Parcel Number(s): 018-271-021 & 018-271-022

Supervisory District: 1

Date Accepted: December 8, 2014

Project Manager: Holly Phipps / (805)781-1162 Recommendation: approval

Bill Robeson, Executive Director: reports to Commissioners that the March 24, 2016

Holly Phipps, Project Manager: presents staff report via a Power Point presentation.

Jill Coomer, Code Enforcement Officer: presents reasoning for code enforcement violations via a Power Point presentation.

Travis Craig, Cal Fire: comments on site visits conducted. Further comments on sprinklering; and road width compliance.

Commissioners: disclose their ex-parte contacts. Contemplate if this were a permitted restaurant would this require sprinklers with Cal Fire stating yes there would be sprinklers required.

Cheryl Journey, Chief Building Official: provides permitting history of property information.

Lynda Auchinachie, Agriculture Department: discusses the agriculture processing ordinance in terms of processing facilities and visitor serving uses regarding mitigation of these uses.

Pamela Jardini, agent: presents a Power Point presentation.

Don Campbell: opens Public Comment.

Don Hofer; Mary Staton, Roger Staton, Quill Chase, Chaponica Trimmell, Peregrine Chase, Mike Francis, Rogan Thompquist, Cody Ferguson, John Ziegler reads into the record letter from Alex Martin, John Ziegler speaks for himself, Colleen Ferguson, Janet Thompquist, Bud & Peggy Chase, Bill Van Orden, Greg Traynor, Leland Learned, Susan Gerakaris, Ken Trotman, Peter Allmaniward, Karen Coombs-Marcey, Kim Routh letter read into the record, Robert Prophet, Steven Cornelius, Ed Goshorn, Paul Hoover, Krissy Harb, Marcia Taylor, Karen Tallent, Gidi Pullen, Devon Bone read the

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Dewitt's letter into the record, Greg McMillan, Kathryn Keeler, Stuart M. de Haaff, Elizabeth Rolph, Dan Chase: speak.

Thereafter on **Motion by:** Jim Irving, **Second by:** James Harrison, and on the following vote:

COMISSIONERS:	AYES:	NOES:	ABSTAIN:	RECUSE:
Harrison, James	x			
Irving, Jim	x			
Campbell, Don	x			
Meyer, Eric	x			
Topping, Ken	x			

The Commission continues this item to March 24, 2016.

Respectfully submitted,

Ramona Hedges, Secretary

San Luis Obispo County Planning Commission

Minutes approved at the 05/26/16 Planning Commission meeting.

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Thursday, March 24, 2016

ROLL CALL:

PRESENT: Jim Irving; Kenneth Topping; Eric Meyer; James Harrison; and Don Campbell

ABSENT: None

5. Continued public hearing for the BONE Conditional Use Permit DRC2013-00096.

This item is a hearing to consider a request by Greg Bone for a Conditional Use Permit to authorize a public tasting area (94 sf for olive oil tasting), a 998 sf restaurant (limited food service facility), and a 30 sf area for retail sales (permanent farm stand), to be located within an existing 3,445 sf permitted olive oil processing building. The applicant is also requesting to allow the processing of olives not grown on-site, the processing of olives into table olives for sale onsite, and the construction of a 45 sf detached restroom. The applicant is requesting modifications to ordinance standards to allow adjustments to the required setbacks, increase the limits of restaurant/limited food service facility use area, and to operate a restaurant/limited food service facility beyond tasting room hours. The project may result in approximately 5,340 sf of site disturbance for access improvements. The applicant is not proposing any Temporary events. The project is located within the Agriculture land use category and is located on the south side of Kiler Canyon Road, approximately 1.35 miles west of the City of Paso Robles (at 1111 Kiler Canyon Road), in the North County planning area, Salinas River sub area. Also to be considered is the environmental document prepared for the project. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on January 6, 2016 for this project. Mitigation measures are proposed to address air quality, biological resources, hazards/hazardous material, public services/utilities, transportation/circulation, wastewater, and water/hydrology and are included as conditions of approval. CONTINUED FROM 2/11/16.

County File Number: DRC2013-00096 Assessor Parcel Number: 018-271-021 & 022

Supervisory District: 1 Date Accepted: December 14, 2014

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Project Manager: Holly Phipps Recommendation: Approval

Commissioners: disclose their ex-parte contacts. Ken Topping: discusses a thumb drive received from Peter Byrne with videos and provides it to the Secretary for the record.

Holly Phipps, Project Manager: updates the Commission on updates prepared since the last hearing.

Don Campbell: Opens public Comment.

Jackie Paling, Kathryn Keeler, Jean Sprat reads Saul Demarrio's comment, Eric Greening, Aquilla Chase, Richard Eisler, Robert Erson, Kane, Lopez, Bob Prophet, Reynold Stella, Cindy Trainer, Maureen Attibury, Cody Ferguson, Nick May, Peter Bryne, John Belcher, Cheryl Kleiman, Marta Byrne, and Audry Bone: speak.

Pamela Jardini, agent: presents a Power Point presentation regarding this proposal.

Karen Nall, staff: addresses agent's condition request and Public Comment.

Commissioners: begin asking questions of staff.

Whitney McDonald, County Counsel: discusses the concept of a 2 year "cooling off" period. Explains how conditions of approval apply and are vested, and frozen.

Commissioners: begin their deliberations beginning with Kiler Canyon Road, and the driveway.

Ken Topping: suggests this item be continued to discuss the alternatives and resolutions so that all issues can be discussed.

Commissioners: begin listing their concerns to be addressed at the next hearing.

Commission, staff and agent: discuss occupancy of building, and the only interim allowable use.

Thereafter, on **Motion by** Jim Irving, **Second by** Ken Topping, and on the following vote:

COMMISSIONERS:	AYES:	NOES:	ABSTAIN:	RECUSE:
Harrison, James	x			
Irving, Jim	x			
Campbell, Don	x			
Meyer, Eric	x			
Topping, Ken	x			

The Commission continues this item to May 26, 2016.

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Thursday, May 26, 2016

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ROLL CALL:

PRESENT: Jim Irving; Kenneth Topping; Eric Meyer; and James Harrison

ABSENT: Don Campbell

8. Continued public hearing for the BONE Conditional Use Permit DRC2013-00096.

This item is a hearing to consider a request by Greg Bone for a Conditional Use Permit to authorize a public tasting area (94 sf for olive oil tasting), a 998 sf restaurant (limited food service facility), and a 30 sf area for retail sales (permanent farm stand), to be located within an existing 3,445 sf permitted olive oil processing building. The applicant is also requesting to allow the processing of olives not grown on-site, the processing of olives into table olives for sale onsite, and the construction of a 45 sf detached restroom. The applicant is requesting modifications to ordinance standards to allow adjustments to the required setbacks, increase the limits of restaurant/limited food service facility use area, and to operate a restaurant/limited food service facility beyond tasting room hours. The project may result in approximately 5,340 sf of site disturbance for access improvements. The applicant is not proposing any Temporary events. The project is located within the Agriculture land use category and is located on the south side of Kiler Canyon Road, approximately 1.35 miles west of the City of Paso Robles (at 1111 Kiler Canyon Road), in the North County planning area, Salinas River sub area. Also to be considered is the environmental document prepared for the project. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on January 6, 2016 for this project. Mitigation measures are proposed to address air quality, biological resources, hazards/hazardous material, public services/utilities, transportation/circulation, wastewater, and water/hydrology and are included as conditions of approval. CONTINUED FROM 2/11/16, 3/24/16.

County File Number: DRC2013-00096 Assessor Parcel Number: 018-271-021 & 022

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Supervisory District: 1 Date Accepted: December 14, 2014

Commissioners: disclose their ex-parte contacts.

Holly Phipps, Project Manager: presents staff report via a Power Point presentation and highlights changes as directed by the commission on March 24, 2016.

Mike Salas, Cal Fire: comments on the agreed upon road widths.

Jim Irving: referring to Cal Fire letter in terms of legal intent of the code being exercised -would like to know if the letter protects the county and provides reasoning. Discusses occupancy levels with staff.

Mike Stoker, Building Inspector Supervisor: clarifies occupancy load factors and how these are calculated in certain spaces and how these relate to sprinklering.

Karen Nall, staff: explains staff's position on occupancy for a cap of 50 people.

Ken Topping: receives confirmation on hours of operation, and signage with hours of operation being conditioned. Asks how we will know when occupancy has been exceeded and what mechanism of enforcement there is with Ms. Nall responding.

Commissioners and staff: discuss events as clarified in staff's letter of May 26th.

Karen Nall, staff: clarifies events are not supported on this site.

Jim Irving and staff: discusses Minor Use Permit (MUP) application and withdrawal thereof in terms of the olive oil ordinance. Further discusses on and off site olive oil ordinance in terms of violations.

Art Trinidad, Chief Code Enforcement Officer: reports on current open enforcement case. Discusses compliance enforcement.

Karen Nall, staff: suggests a third party monitoring system born by the applicant to be conditioned for compliance (Condition compliance monitor).

Eric Meyer and Cal Fire: discuss site occupancy in terms of the road and secondary access.

Mike Stoker, Supervising Inspector: clarifies occupancy loads.

Pamela Jardini, agent: presents a Power Point presentation of the conditions the applicant would like considered.

Karen Nall, staff: agreeable to add applicant's language as was suggested in applicant's Condition 11.

Pamela Jardini, agent: continues on with suggested condition changes.

Karen Nall, staff: disagrees with proposed Condition 30 due to not knowing who prepared exhibit as it is not stamped by a licensed architect.

Bill Robeson, Executive Director: displays a memorandum regarding allowances

John Belsher, attorney representing applicant: would like clarity on re-opening the tasting room.

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Commissioners: assure Mr. Belsher this will be discussed.

Eric Meyer: opens public comment

John Belsher, applicant's attorney: was not aware of public comment being opened.

Eric Meyer: reports it is upon the Chairman's discretion to open public comment.

Cody Ferguson, Rogan Thompquist, and Peter Byrne: speak

Commissioners: deliberate their decision and feel pressed for time then ponder a continuance of this item.

Bill Robeson, Exec. Dir: reports on a meeting with Air Pollution Control District (APCD) in terms of dust suppressants and soil binders as a way to mitigate dust and particulate matter in terms of adding a suppressant or soil binder.

Commissioners: discuss a continuance to be able to research new material submitted, and receive further information from staff.

Staff: discusses condition 1. G. on staff's conditions.

Thereafter on **Motion by:** Jim Irving, **Second by:** Ken Topping, and on the following vote:

COMMISSIONERS:	AYES:	NOES:	ABSTAIN:	RECUSE:
Harrison, James	x			
Irving, Jim	x			
Campbell, Don				
Meyer, Eric	x			
Topping, Ken	x			

The Commission continues this item to July 14, 2016.

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Thursday, July 14, 2016

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ROLL CALL:

PRESENT: Jim Irving; Kenneth Topping; Eric Meyer; James Harrison and Don Campbell

ABSENT: None

6. The continuance request by GREG BONE for a Conditional Use Permit (DRC2013-00096) to authorize a public tasting area (94 sf for olive oil tasting), a 998 sf restaurant (limited food service facility), and a 30 sf area for retail sales (permanent farm stand), to be located within an existing 3,445 sf permitted olive oil processing building. The applicant is also requesting to allow the processing of olives not grown on-site, the processing of olives into table olives for sale onsite, and the construction of a 45 sf detached restroom. The applicant is requesting modifications to ordinance standards to allow adjustments to the required setbacks, increase the limits of restaurant/limited food service facility use area, and to operate a restaurant/limited food service facility beyond tasting room hours. The project may result in approximately 5,340 sf of site disturbance for access improvements. The applicant is not proposing any Temporary events. The project is located within the Agriculture land use category and is located on the south side of Kiler Canyon Road, approximately 1.35 miles west of the City of Paso Robles (at 1111 Kiler Canyon Road), in the North County planning area, Salinas River sub area. Also to be considered is the approval of the Mitigated Negative Declaration issued on January 6, 2016. County File Number: DRC2013-00096 APN(S): 018-271-021 & 022
Supervisory District: 1 Date Accepted: December 14, 2014 Project Manager: Holly Phipps Recommendation:
Approval (10:24 AM)

Don Campbell: asks for ex-parte contacts with Commissioner disclosing his contact.

Holly Phipps, Project Manager: overviews condition changes and addresses staff's position on proposed condition modifications by the applicant.

Pamela Jardini, agent: addresses staff's position of conditions changes and explains applicant's reasoning for condition modifications as previously submitted by email.

Jim Irving: would staff to provide reasoning for their position on applicant's modified condition request with Ms. Karen Nall responding.

Pam Jardini, agent: discusses plan re-submittal at applicant's cost in terms of concurrent planning; Bill Robeson's letter. Don Campbell: discusses the Health Dept. permit in terms of allowing a use.

Karen Nall, staff: suggests not allowing tasting room to be opened until all conditions are met, and not using the Health Department permit as a way to allow opening of tasting room.

Bill Robeson, Executive Director: discusses occupancy of the building and introduces Mike Stoker, Supervising Bldg inspector who explains occupancy classification in terms of the use.

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Mike Stoker, Supervising Building Inspector: explains inspections conducted on permitted uses in terms of this being a conference room. Explains plan review processing workflow.

Don Campbell: discloses he reviewed the live streaming video of this meeting.

Commissioner: discuss dust control.

Andy Muntzinger, Air Pollution Control District (APCD): addresses questions regarding vehicle trips on road in terms of dust suppression criteria.

Commissioners: discuss peaks for milling and tamping in terms of APCD standards and durability of magnesium chloride.

Michael Fredericks (Fredericks Paving): provides 3 different paving options for the roadway to suppress the dust.

Andy Muntzinger, APCD: addresses APCD dust suppressant list in terms of the applicant's options for suppressing the dust on the road.

Ken Topping: asks about off peak season activity on the road with Ms. Nall responding.

Don Campbell: opens Public Comment.

Audry Burnham, applicant; asks to be able to have workshops and private tours outside of the days the tasting room is closed. Comments on year round commitment of dust control. Eric Kaultenbrock; Janet Thompquist; Rogan Thompquist; Colleen Ferguson; Peter Bryne; and John Belsher (applicant's attorney) speak.

Travis Craig, Cal Fire: discusses the adequate width per public resources code 4290 requirement standard in terms of meeting the intent of the law. States guard rails are not required by Cal Fire on the road. The applicant is lacking the compaction results and is in the process of producing this.

Commissioners: begin their deliberations.

James Harrison: reads into the record a portion of Bill Robeson's letter in terms of the end of the letter spanning to the end of 2015.

Commissioners: discuss their consensus on the road and how to mitigate it. Eric Meyer: feels it should be paved.

Ken Topping: would like the road issue settled first, would allow processing if the road is fixed, allow restaurant if the building is permitted.

Don Campbell: feels the road will not last unless it is paved to the gate.

Jim Irving: either asphalt or chip seal up to the gate.

Ken Topping: paving up to the gate and chip sealing to the facility. Feels a wider road is beneficial and provides reasoning.

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James Harrison: feels chip sealing would be effective but does not oppose asphalt.

Don Campbell: would like to see a cap on custom milling with Ms. Jardini stating there is a cap at 500 tons.

Pamela Jardini, agent: reports the applicant wishes it to remain at 540 tons.

Commissioners: begin analyzing the conditions on screen. Straw poll on level of surfacing, chip seal, asphalt, or? for Condition 27.

Eric Meyer: would like pavement up to the gate, and beyond the gate chip seal.

Don Campbell: would like pavement to the gate, and beyond the gate chip seal.

Ken Topping: would like pavement to the gate and chip seal beyond the gate

Jim Irving: would like asphalt or chip seal to gate, beyond gate whatever the applicant wants with dust suppressant or paving.

James Harrison: would like no asphalt just chip seal. Feels it should be the applicant's choice beyond gate.

Karen Nall, staff: reads Condition 27 language into the record for the Commission.

James Harrison: would like the speed limit left at 15 MPH.

Glenn Marshall, Public Works: state the commission has discretion to put a speed limit on the road, however, this will not be enforceable.

Commissioners: begin reviewing conditions from the beginning.

Audry Burnham: comments on ownership of property by the road.

Jim Irving: supports use of tasting room & restaurant to begin upon completion of the paving of the road.

Ken Topping: agrees with Chairman Campbell.

Eric Meyer: would like outside tasting, no restaurant and no on-site processing.

Jim Irving: supports the use of the tasting room to start upon completion of the paving of the road, and prior to the use of the restaurant.

Karen Nall, staff: states all conditions of the permit need to be met, including the building permit.

Don Campbell: goes with staff on occupancy, but no tasting.

Jim Harrison: states Cal Fire reported that if there were under 49 people no fire suppression is needed.

Karen Nall, staff: Cal Fire's final inspection will be the determining factor.

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Ken Topping is in agreement with Cal Fire's final inspection.

Eric Meyer: does not mind the off-site processing of the olives and leave it as per the Executive Director's letter where there is outside tasting, and no restaurant.

James Harrison: asks if the fire department indicated additional fire protection or if it is okay the way it currently is.

Pamela Jardini, agent: reports this was reviewed for fire suppression by Cal Fire. States there is no fire suppression required Varietal Matrix or by Cal Fire for the tasting room. The only change out would be the hood above the stove prior to the restaurant resuming business

James Harrison: emphasizes this has been discussed at prior meeting. Reports Cal Fire states as long as the people were under 49 they did not need any additional fire protection in this building.

Karen Nall, staff: suggests the building permit needs to be issued and and all the inspections finalized, and Cal Fire performs their final inspection before the public is allowed into the building.

Commissioners Meyer, Topping, and Campbell: all in agreement with staff's suggestion.

Thereafter on **Motion by:** Jim Irving, **Second by:** Ken Topping, and on the following vote:

COMMISSIONERS:	AYES:	NOES:	ABSTAIN:	RECUSE:
Harrison, James	x			
Irving, Jim	x			
Campbell, Don	x			
Meyer, Eric	x			
Topping, Ken	x			

The Commission adopts the Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. and approves Conditional Use Permit DRC2013-00096 based on the findings listed in Exhibit A, changing Finding E. to read: "E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the proposed tasting room/restaurant/limited food service facility will be limited to 998 sf and be restricted to a total of 5 days per week with 3 of those days from 11:00 am to 5:00 pm and 2 days per week from 11:00 am to 9 pm. Additionally, all guest and staff shall be off-site by 9 pm."; and subject to the Conditions listed in Exhibit B, changing Condition 1. a. square footage to 997 to read: "997 sf of restaurant (limited food service facility) area a 330 sf existing commercial kitchen and 667 sf of indoor and outdoor dining." Adding "Up to 100 sf...." to third bullet of Conditions 1. a.; Changing Condition 1. b. to read Public access to the site for tasting room/restaurant/limited food service facility/retails sales operation shall be restricted to a total of 5 days per week with 3 of those days from 11:00 am to 5:00 pm and 2 days per week from 11:00 to 9:00. All onsite lighting for the tasting room and restaurant shall be extinguished by 9 pm. Additionally, all guests and staff shall be off-site by 9 pm"; Changing Condition 1. g. to read: "1. g. Public access to the site for educational olive oil tours, olive oil workshops, olive oil club function, and olive oil related incidental uses shall be restricted to fewer than 50 people to a total of 5 days per week with 3 of those days limited to the hours of 11:00 a.m. to 5:00 p.m. and 2 of

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those days limited to the hours of 11:00 a.m. to 9:00 p.m. Reasonable private gatherings of family and friends of the property owners are not limited.”; Changing Condition 2. a. to read: “2. a. Site Plan – The site plan shall show the required number of parking spaces.”; Changing Condition 10. To add the sentence “All lights (non-essential for safety) shall be turned off by 9 p.m.”; Changing Condition 11 to add “...and memo dated May 26, 2016” to the end of the sentence; Changing Condition 19 to add the sentence “The applicant shall submit to the Department of Planning and Building a CAL FIRE verification of the compaction report from a licensed civil engineer for the access road for review and approval”; Re-numbering conditions; Changing Condition 27. a. to read: “27. a. Pave and maintain the access driveway from Kiler Canyon Road to the gate. From the gate to the olive processing facility, the applicant shall maintain the remaining access road by the use of paving, or chip seal, or dust suppressant. The applicant shall also implement and maintain design standards to ensure vehicles that use the road are physically limited (e.g., speed bumps) to a posted speed limit of 215 mph or less.; and changing Condition 28. To add “....memo dated May 26, 2016”; Adopted.

Respectfully submitted,
Ramona Hedges,
SLO County Planning Commission Secretary